IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION

WRIT PETITION NO. 996 OF 2004

The State of Maharashtra, through the Secretary of Agri.& Animal Husbandary Dept., Mantralya, Mumbai & Anr. ..Petitioners.

Vs.

Shri Yashwant Shankar Neurgaonkar ..Respondent.

Mr. A.P. Vanarshe, AGP for the Petitioners.
None for the Respondent.

CORAM : F.I. REBELLO AND Dr.D.Y.CHANDRACHUD,JJ.

DATED : 06TH FEBRUARY, 2006.

P.C.:

1. The respondent had filed Original Application No. 982/2001 on the ground that he has not been paid the arrears of pension in terms of his date of promotion and pursuant to the order passed by the petitioners herein under the government circular dated 25.10.2000. That came to be allowed. In para -5 the Tribunal was pleased to observe as under :-

> "The applicant is already 81 years old. His claim, therefore, deserves to be considered on priority basis. After a period of 32 years his deemed date of promotion to class-II was fixed as 12.7.1950. The orders regarding fixation of

pay of the applicant with effect from 6.5.1960 have been issued in October, 2000 but the applicant has not received the arrears of pay and pension."

2. On behalf of the petitioners, the learned counsel seeks to rely on the circular of government dated 10th March, 1960, fixing the pay in case of a deemed date of promotion. The petitioners themselves have understood the said circular while passing the order dated 25.10.2000. Considering that we find no case for interference with the order passed by the Tribunal, as the order of the Tribunal is to give effect to that order. If the petitioners have not complied the order, we hereby direct them to comply the same within a period of eight weeks from today.

3. In the light of that, we direct the petitioners, to pay the respondent arrears of pay allowances in pension and other consequential benefits with effect from the deemed date of his promotion i.e. 06.05.1960 within two months from the date of this order in terms of the order dated 25.10.2000. The petition was admitted 13.07.2004. Rule was issued and no interim relief was granted.

4. The petition is disposed of with no order as to costs. Rule discharged.

06.02.2006 (F.I.Rebello,J)

(Dr.D.Y.Chandrachud,J)

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